

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY NICHOLAS STESHENKO,
Plaintiff,
v.
THOMAS MCKAY, et al.,
Defendants.

Case No. [09-cv-05543-RS](#) (RMW)

ORDER RE FILING UNDER SEAL

The undersigned has been assigned to hear Plaintiff Gregory Steshenko's Motion to Disqualify Judge Richard Seeborg from hearing the above captioned case. *See* Dkt. No. 933, Order Referring Motion dated February 2, 2015. The Memorandum in Support of the Motion is marked "****CONFIDENTIAL**** UNDER SEAL****". Civil Local Rule 79-5 provides in part that "[no] document may be filed under seal, i.e., closed to inspection by the public, except pursuant to a Court order that authorizes the sealing of the particular document or portions thereof." The Rule continues with instruction on what an administrative motion to file under seal must contain.

The Undersigned has reviewed the docket and finds no order allowing the filing of Mr. Steshenko's motion under seal. The only filing by Mr. Steshenko pertaining to the instant motion appears to be the memorandum marked as confidential. The court has reviewed the memorandum and questions that there is any basis for filing the motion to disqualify, or any portion thereof,

1 under seal. However, the court will give Mr. Steshenko five days from the date of this order to
2 either remove the confidentiality designation from his memorandum, and file it publically on the
3 docket, or apply to the court with appropriate papers supporting a request to file under seal. If Mr.
4 Steshenko chooses to file the memorandum without requesting that any portion be sealed, he
5 should forthwith serve a copy on opposing counsel. The motion to disqualify will then be
6 considered. If Mr. Steshenko files a request to file under seal and it is denied, Mr. Steshenko will
7 have four days from the denial to re-submit his memorandum for filing in the public record. If he
8 does not do so, the motion to disqualify will not be considered.

9 **IT IS SO ORDERED.**

10 Dated: February 12, 2015

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12 Ronald M. Whyte
13 United States District Judge
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